

Notice of Allowability

Application No.

10/027,193

Examiner

Nick Corsaro

Applicant(s)

NEEDHAM ET AL.

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 09/30/2004.
2. ☒ The allowed claim(s) is/are 1-8 and 10-14.
3. ☒ The drawings filed on 20 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

Allowable Subject Matter

1. Claims 1-8 and 10-14 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach a method for quickly establishing a CDMA dispatch call wherein a broadcast page is transmitted via an outbound CDMA paging channel indicating a traffic channel to be used without knowing the location of the mobile station, the mobile station beginning to receive the dispatch call on the traffic channel without having sent the page response, and the mobile station sends a page response after receiving the dispatch call traffic channel.

Toyryla, cited in a prior office action disclosed paging mobiles to establish a dispatch call, where the mobiles switch the traffic channel and begin to receive the dispatch call. Toyryla however does not teach paging the mobiles without knowing location, the mobiles switch the channel then send a page response.

Newly discovered references, Diachina et al. (5,835,860), and Ohnishi et al. (5,457,809), discloses the state of the art method of setting up a dispatch call, wherein a page is sent to locate the mobiles, if a page response is received, then a channel is allocated and the mobiles switch to the channels. Diachina and Ohnishi however do not teach a broadcast page is transmitted via an outbound CDMA paging channel indicating a traffic channel to be used without knowing the location of the mobile station, the mobile station beginning to receive the dispatch call on the traffic channel without having sent the page response, and the mobile station sends a page response after receiving the dispatch call traffic channel.

Newly discovered reference Daily et al. (6,449,491) discusses setting of a dispatch call via Push To Talk (PTT) buttons on the mobile phones. Daily discusses that for the PTT dispatch call to be sent up an initiating unit pushes the PTT button, thus transmitting an origination request to the system. The system responds by sending a traffic channel designation message to the mobiles in the dispatch group where subsequently the mobiles change to that traffic channel and begin the call. Daily however does not disclose pages or page responses, therefore, does not teach a broadcast page is transmitted via an outbound CDMA paging channel indicating a traffic channel to be used without knowing the location of the mobile station, the mobile station beginning to receive the dispatch call on the traffic channel without having sent the page response, and the mobile station sends a page response after receiving the dispatch call traffic channel.

Newly discovered reference, Childress et al. (5,274,837), discusses a pre state of the art method of setting up a dispatch call. Childress discusses that upon a dispatch call setup a channel assignment message is sent to the mobiles in a dispatch group and the initiating mobile and the receiving mobiles switch to the channel and begin the call. Therefore, Childress is discussing a function similar to a page however does not discuss pages and page responses within the dispatch setup. Therefore, Childress does not teach a broadcast page is transmitted via an outbound CDMA paging channel indicating a traffic channel to be used without knowing the location of the mobile station, the mobile station beginning to receive the dispatch call on the traffic channel without having sent the page response, and the mobile station sends a page response after receiving the dispatch call traffic channel.

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Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nick Corsaro whose telephone number is 703-306-5616. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nick Corsaro

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PRIMARY EXAMINER

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